

October 14, 2008

## DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Earl and Charlotte Schulz 602 Pinckney Street Elk Point, SD 57025

Re: Request to extend comment period for the Hyperion Energy Project PSD permit

Dear Mr. and Mrs. Schulz:

As per your request, the South Dakota Department of Environment and Natural Resources hereby grants your request to extend the public comment period on the draft Prevention of Significant Deterioration air quality pre-construction permit for the Hyperion Energy Center. The comment period for the draft permit will be extended until November 14, 2008. Since we have had similar requests from others, this extension applies to all parties and the public. For details on the extension, please review the enclosed public notice.

Please find enclosed a copy of a page from Hyperion's revised permit application that lists the annual emissions. The draft permit establishes the Best Available Controls Technology and the associated emission limits (e.g. pounds per hour) for each air pollutant that the Hyperion Energy Center must meet. The emission limits are inputted in a model that demonstrated the area will be able to attain the federal National Ambient Air Quality Standards and Prevention of Significant Deterioration increments established by the federal Environmental Protection Agency after the Hyperion Energy Center is operating. The actual emissions from Hyperion are required to be less than these emission limits and therefore the annual emissions will be less than those listed in the enclosure. This document can be found on our website at:

http://www.state.sd.us/DENR/Hyperion/Air/200805155RevisionsToApplicationText.pdf.

During the extension, you also requested that we hold public meetings and/or hearings in the area of the proposed site to allow the public to better understand the draft permit. Based on the information DENR has gathered, this draft permit will be contested. If it is, a hearing will be held in front of the Board of Minerals of Environment. The Board typically first holds a public meeting in which everyone has an opportunity to voice their opinion. After the public meeting, a formal contested case hearing is held in front of the Board. During that hearing, all who petition to become parties to the hearing will have the opportunity to address the proposed permit in detail and that hearing is open for the public to attend as well.

Thank you for responding to our public notice and providing your comments thus far on the draft permit.

Sincerely,

Steven M. Pirner

Secretary

Enclosure:

cc: Preston V. Phillips, Hyperion (w/o enclosure)

Roxanne Giedd, Deputy Attorney General (w/o enclosure)

Carol Rushin, Acting Regional Administrator, EPA Region 8 (w/o enclosure)

DENR Joe Foss Building 523 East Capitol Pierre, South Dakota 57501-3182

10 - 5 - ,2008

RECEIVED OCT 10 2008 AIR QUALITY PROGRAM

Re: Proposed Draft Air Permit Hyperion Energy Center Union County, South Dakota

## Gentlemen:

I have reviewed the Draft Air Permit and have many questions about it. I do not have the ability to determine from what you have written the total yearly limits of the contaminants in terms that I can understand. Can you please prepare a simplified table of such and publish so that the public can better understand.

It does not appear that the best possible monitoring and reporting has been required, and we request that the permit be modified to require such. Furthermore, I don't understand why some of the emissions appear to be permitted at higher levels that the petitioner requested.

I think it would be in everyone's best interest to have several public meetings and/or hearings in the area of the proposed site to allow the public to better understand. I thank that the 30 day comment period should be extended to accommodate such.

Please request that as allowed under South Dakota law, an Environmental Impact Statement be done by a third party, with the final Air Permit delayed until after the processing of the EIS.

If time permits, I may have additional comments and will forward such to you as I more fully understand the draft permit.

Sincerely,

Earl H. Schulz 602 Pinckney Sta Pinckney Elk Point, 5 D. 57075

DENR Joe Foss Building 523 East Capitol Pierre, South Dakota 57501-3182

10-6- ,2008

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Charlotte & Schuly